

Remarks

Applicants respectfully request reconsideration of this application in view of the following remarks.

Status of the Claims

Claims 24-34 are pending in this application. No claims have been added, amended or canceled in this paper. Therefore, Claims 24-34 remaining pending for examination on the merits.

Obviousness-Type Double Patenting

Claims 24-34 have been rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1 and 10-22 of U.S. Patent No. 6,653,323. In response, Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c). Accordingly, this rejection may be withdrawn.

Applicants note that the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Specifically, the courts have indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Conclusion

In view of the terminal disclaimer filed herewith, Applicants believe that all of the pending claims are now in condition for allowance. Reconsideration of the application and prompt passage to allowance are respectfully requested. Should there be any issues regarding this application that can be resolved by telephone, the Examiner is respectfully requested to telephone the undersigned agent for Applicants at (650) 808-3764.

Respectfully submitted,

THERAVANCE, INC.

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By: Roberta P. Saxon
Roberta P. Saxon, Ph.D.
Registration No. 43,087

THERAVANCE, INC.
901 Gateway Boulevard
South San Francisco, CA 94080
Tel: (650) 808-6000
Fax: (650) 808-6078